

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KEN'S APPLIANCES)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 96-611
)	
GTE SOUTH INCORPORATED)	
)	
DEFENDANT)	

O R D E R

On December 16, 1996, Ken's Appliances ("Complainant") filed with the Commission a formal Complaint alleging that GTE South Incorporated ("GTE South") has, for approximately 36 months, provided inadequate service to Complainant. On January 15, 1997, GTE South filed its Answer to the Complaint.

In its Answer, GTE South admits that Complainant has made several complaints regarding his telephone service over the past few months. GTE South contends, however, that "in each instance the Company has responded to those reports and has either corrected the problem in a timely manner or has provided a service credit as appropriate." To date, Complainant has not filed a response to this contention.


GTE South seeks dismissal of the Complaint on the grounds that Complainant has failed to state a claim upon which relief can be granted. Specifically, GTE South contends that Complainant has failed to state with particularity how it has failed to provide adequate telephone service. The Commission, having reviewed the evidence


of record and being otherwise sufficiently advised, finds that this case should be dismissed if Complainant fails to file its response to GTE South's Answer.

IT IS THEREFORE ORDERED that Complainant shall file, within 10 days of the date of this Order, its response to GTE South's Answer. If said response is not filed within the 10-day period, this case shall be dismissed with prejudice and without further Order of the Commission.

Done at Frankfort, Kentucky, this 8th day of April, 1997.

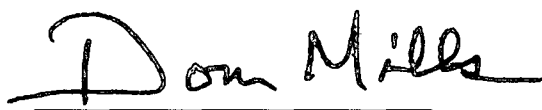
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director